

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALEXANDRIA EMON SHAREE
GIBBS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JULIE ANN GIBBS,

Respondent-Appellant.

UNPUBLISHED

April 13, 2004

No. 252341

Ingham Circuit Court

Family Division

LC No. 00-366134-NA

Before: Cavanagh, P.J., and Murphy and Smolenski, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i). We affirm.

This case has been before this Court on two previous occasions. The first time, this Court reversed the trial court's termination order because of a jurisdictional defect. *In re AESG*, unpublished opinion per curiam of the Court of Appeals, issued October 18, 2002 (Docket No. 240056). The second time, this Court affirmed the trial court's determination that clear and convincing evidence established that termination was appropriate under MCL 712A.19b(3)(c)(i), but remanded for a determination whether termination was against the best interests of the child. *In re AESG*, unpublished opinion per curiam of the Court of Appeals, issued September 16, 2003 (Docket No. 247173).

Although in this third appeal respondent challenges the trial court's finding that the statutory ground for termination was established by clear and convincing evidence, MCR 3.977(J); *In re Miller*, 433 Mich 331, 337, 344-345; 445 NW2d 161 (1989), this question was appropriately decided in the prior appeal and, therefore, not subject to subsequent review. *Grievance Administrator v Lopatin*, 462 Mich 235, 259-260; 612 NW2d 120 (2000).

Further, on remand the trial court addressed the issue of the child's best interests on the record, finding that the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 353-357; 612 NW2d 407 (2000). The evidence supports the trial court's findings. At the time of the original hearing, the child was twenty-five months old and had been in foster care her

entire life. She was happy and well adjusted with the foster family and uncomfortable during visits with respondent. The testimony indicated it would be psychologically detrimental to remove the child from the foster care and place her with respondent.

Affirmed.

/s/ Mark J. Cavanagh
/s/ William B. Murphy
/s/ Michael R. Smolenski